

the State of Texas, shall be amended, so that it shall read as follows, viz :

Sec. 3. The public lands that have been heretofore or that may hereafter be granted for public schools, to the various counties, or other political divisions of the State ; and the public lands that have been or may hereafter be appropriated for a State University, shall not be alienated in any other manner than by a sale at public auction, to the highest bidder, at not less than a minimum price, to be established by the Legislature, which minimum price shall not be established at less than one dollar an acre.

A bill to establish the University of Texas, read first time.

On motion of Mr. Wigfall, the rule was suspended, bill read second time, and made the special order for Tuesday next, the 19th inst.

The report of the committee on Public Debt, on the petition of Dr. W. Richardson, was read, and

On motion of Mr. Potter, the petition and report were laid on the table.

On motion of Mr. Taylor, of Cass, the Senate adjourned until Monday morning at 10 o'clock.

MONDAY, January 18, 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Guinn presented the petition of Jno. B. Stewart ; referred to the committee on the Judiciary.

Mr. Herbert made the following report :

The committee on Roads, Bridges and Ferries, have considered the petition of sundry citizens of Tyler county, asking an incorporation for the purpose of establishing a permanent crossing at or near Providence Hill, have considered the same and instruct me to report the accompanying bill and recommend its passage.

A bill to incorporate the McKinney Bridge and Ferry Company ; read first time.

On motion of Mr. Pedigo, the rule was suspended bill read a second time and ordered to be engrossed—rule further sus-

pending bill read a third time and passed by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Fall, Grimes, Guinn, Hyde, Lott, McCulloch, Martin, Paschal, Pedigo, Pirkey, Quinan Russell, Scarborough, Shepard, Stockdale, Taylor of Cass, Throckmorton, Walker, Whaley and Wren—24.

NAYS—None.

Mr. Guinn made the following report :

The committee on Claims and Accounts, have considered the petition of Wm. M. Spalding and think the same should be considered by the Judiciary committee. I am therefore instructed to report the same back to the Senate, and recommend its reference to that committee.

On motion of Mr. Guinn, the rule was suspended, report taken up, read and adopted.

Mr. Pirkey made the following report :

The committee on Public Lands, have considered the petition of the widow and heirs of Jas. M. Henry, and John L. Johnson. In each case petitioners ask a headright certificate for 640 acres of land, and the proof is complete that they were entitled under the laws. It is unfortunate however that the Records of the General Land Office show that in each case the ancestors received the land to which they were entitled and transferred it by deed to others. The committee therefore instruct me to recommend the indefinite postponement of the petitions.

Mr. Russell, chairman of the committee on engrossed bills reported the following bills correctly engrossed.

A bill for the relief of Eldridge G. Rector.

A bill to incorporate the Love Bridge and Turnpike Company.

A bill for the relief of the Washington county Railroad Company.

A bill granting further time to Railroad Companies heretofore incorporated, in which to make the reports required of them.

A bill to legalize the acts of the County Court of Angelina county.

A bill for the relief of Thos. Leftwick's heirs, and for the relief of Ashmore Edwards, and

A bill supplemental to and amendatory of an act to estab-

lish a Code of Criminal Procedure, approved, August 26th, 1856.

Mr. Potter, chairman of the Judiciary committee, reported back to the Senate the following bills, and recommended their passage.

A bill to amend the act of May 11, 1846, to organize the District Courts and define their powers and jurisdiction.

A bill declaring the proof required for surveying and passing up the field notes on the first and second class headright certificates.

A bill to authorize a certain criminal case to be tried in Uvalde county, and

A bill to incorporate the Marcelina Mill, Manufacturing and Bridge Company.

Mr. Potter, also made the following reports :

The Judiciary committee have considered a Joint Resolution providing for the election of a Superintendant of the Penitentiary and also of the State Lunatic Asylum. The object of the Joint Resolution is to provide for the election of said officers by the Legislature, and as the committee can see no good reason for the proposed change, they direct me to return the Joint Resolution to the Senate and recommend that it do not pass.

The Judiciary committee have considered a Joint Resolution proposing an amendment to the Constitution of the State, and direct me to report the accompanying substitute, and recommend its adoption and passage.

Mr. Wigfall made the following report :

The committee on State Affairs, have considered a bill for the organization of the Lunatic Asylum, and instruct me to recommend its passage.

Mr. Burroughs from the committee on Enrolled bills, reported the following bills correctly enrolled, properly signed, and this day presented to the Governor.

A bill for the relief of John J. E. Gregory.

A Joint Resolution relative to Indian depredations.

A bill for the relief of Zippore Whitesides, and the heirs of Henry Whitesides and Robt. Hewes, Sr.

A bill to attach a portion of Trinity county to Walker county.

A bill for the relief of the Colorado Valley Railroad Company.

A bill to incorporate the Eastern Texas Railroad Company.
And the following Senate bills with amendments.

A bill to incorporate the Grand and Subordinate Lodges of the order of Free and Accepted Masons in the State of Texas, and

A bill to amend the first section of a Joint Resolution for the relief of the Company of Rangers commanded by Capt. Wm. Becknell, in the year 1836, approved, February 11th, 1852.

On motion of Mr. Taylor of Cass, the rule was suspended and the amendments of the House to the last named bill were concurred in by the Senate.

On motion of Mr. Russell, the Senate proceeded to the consideration of House bills upon their first reading.

A bill to authorize the Clerk of the County Court of Smith county to transcribe certain records; read first time.

On motion of Mr. Lott, the rule was suspended, bill read a second time and passed to a third reading—rule further suspended bill read a third time and passed.

A bill to reorganize the 13th Judicial District, and to fix the time of holding Courts therein; read first and second times and referred to the committee on the Judiciary.

A bill to reorganize the 3rd Judicial District, and define the time of holding courts therein, was read first time.

On motion of Mr. Shephard the rule was suspended, bill read a second time and passed to a third reading—rule further suspended bill read a third time and passed.

A bill to amend an act to organize the 17th, and reorganize the 2d Judicial Districts; read first and second times and referred to the committee on the Judiciary.

A Senate bill supplemental to an act to give to each corporate county in this State, its own county Surveyor, Map and Records, with amendments from the House, was taken up, read, and

On motion of Mr. Guinn, referred to the committee on the Land Office.

A Senate bill defining the time of holding the District Courts in the 12th Judicial District, with amendments from the House, was taken up, read, and

On motion of Mr. Scarborough, referred to a Select committee of three.

Messrs. Scarborough, Britton and Stockdale were appointed the committee.

A Joint Resolution relating to the impeachment of the Hon. Jno. C. Watrous, originating in the Senate, with amendments from the House, was read and the amendments of the House concurred in by the Senate.

Mr. Erath introduced a bill for the relief of Jas. O'Rice ; read first and second times and referred to the committee on Claims and Accounts.

Mr. Stockdale introduced a bill to fix the times of holding the District Courts in the 10th Judicial District ; read first time.

On motion of Mr. Stockdale the rule was suspended, bill read a second time and ordered to be engrossed—rule further suspended, bill read a third time and passed.

Mr. Britton introduced a bill to authorize the Governor to appoint five Major General's ; read first time.

On motion of Mr. Britton the rule was suspended and bill read a second time.

Mr. McCulloch offered as a substitute,

A bill supplemental to, and amendatory of an act to organize the Militia of the State of Texas.

On motion of Mr. Paschal, the bill and substitute were made the special order for Wednesday next the 20th inst.,

A message was received from the House informing the Senate that the House had passed.

A bill supplemental to an act to change the time of holding the terms of the District Court in the 11th Judicial District.

A Joint Resolution recognizing the rank of P. W. Humphries as Commander in the late Navy of Texas, at the time annexation, and

A bill to incorporate the Houston Insurance Company originating in that body.

And the following Senate bills with amendments :

A bill to amend an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved, February 4th, 1856, and also the act supplemental thereto, approved, February 5th, 1856, and

A bill to incorporate the Indianola Railroad Company.

Also, that the Hon. M. F. Locke had been elected Speaker of the House, to fill the vacancy caused by the resignation of the Hon. Wm. S. Taylor.

A bill to incorporate the Grand and Subordinate Chapters of Royal Arch Masons, in the State of Texas.

A bill to provide for an enumeration of the inhabitants of the State of Texas for the year 1858.

A bill to amend an act to incorporate the Bastrop Academy, and

A bill for the relief of the Houston and Texas Central Railroad Company.

Mr. Martin made the following reports :

The committee on Private Land Claims have considered the petition of John T. Russell, and instruct me to report the accompanying bill and recommend its passage.

A bill for the relief of John T. Russell ; read first time.

The committee on Private Land Claims, have considered a bill for the relief of the heirs of Wm. Freer, deceased, and instruct me to report the same back to the Senate and recommend its passage with the following amendment :

Amend by adding,

“Provided, he has not heretofore received land from the Republic or State of Texas.”

The committee on Private Land Claims, have considered the petition of Menon Mills, for the land to which Wm. Mills was entitled by virtue of his services as a soldier in the Revolution, and I am instructed to report the same back to the Senate, and recommend its rejection.

The committee on Private Land Claims, have considered a bill for the relief of the heirs and assignees of Jno. B. Webb, and instruct me to recommend the passage of the bill, with the following amendment.

Amend by striking out “assignees” wherever it occurs in the bill.

On motion of Mr. Martin the rule was suspended, report and bill taken up, read, and the amendment adopted.

The bill was then ordered to be engrossed—rule suspended, bill read a third time and passed.

A message was received from the House informing the Senate, that the House had concurred in the amendment of the Senate, to “a House bill for the relief of L. Kraats, and that the House had passed a bill to incorporate the New Braunfels Academy originating in that body, and the following bills originating in the Senate.

A bill to consolidate into one and amend the several acts incorporating the town of Rusk in Cherokee county, and

ORDERS OF THE DAY.

The special order for the day being the Adjournment Resolution.

The question recurring upon the motion of Mr. McCulloch, to strike out the "first" and insert the "8th of February" in lieu thereof.

Mr. Paschal moved to amend the amendment by inserting the 10th instead of the 8th.

Mr. Britton moved to lay the Resolution and amendments on the table—lost by the following vote:

YEAS—Messrs. Britton, Caldwell, Fall, Graham, Grimes, Paschal, Scarborough, Shepard, Stockdale, Throckmorton and Whaley—11.

NAYS—Messrs. Burroughs, Guinn, Herbert, Hyde, Lott, McCulloch, Martin, Maverick, Pirkey, Potter, Quinan, Russell, Taylor of Cass, Truitt, Walker, Wigfall and Wren—17.

Mr. Britton moved to substitute the 15th next month, in lieu of the 10th—accepted by Mr. Paschal.

Mr. Wren called for a division of the question and the 1st. of February was stricken out.

The question then recurring upon the filling the blank with the 15th of February.

On motion of Mr. Taylor of Cass, the amendment was laid on the table, by the following vote:

YEAS.—Messrs. Burroughs, Caldwell, Erath, Fall, Graham, Grimes, Guinn, Herbert, Hyde, Lott, McCulloch, Martin, Maverick, Paschal, Pirkey, Potter, Quinan, Russell, Shepard, Taylor of Cass, Truitt, Walker, and Wren—23.

NAYS.—Messrs Britton, Pedigo, Scarborough, Stockdale, Taylor of Fannin, Throckmorton, Whaley and Wigfall—8.

Mr. Throckmorton moved to fill the blank with the "10th" of February.

On motion of Mr. Taylor of Cass, laid on the table by the following vote:

YEAS —Messrs Burroughs, Erath, Fall, Graham, Grimes, Guinn, Hyde, Lott, McCulloch, Martin, Maverick, Paschal, Pirkey, Potter, Quinan, Shepard, Taylor of Cass, Truitt, Walker and Wren—21.

NAYS.—Messrs. Britton, Caldwell, Herbert, Pedigo, Scarborough, Stockdale, Taylor of Fannin, Throckmorton, Whaley and Wigfall—10.

The question then recurring on the motion of Mr. McCulloch

to fill the blank with the "8th of February," which motion prevailed.

And the Resolution was adopted by the following vote :

YEAS.—Messrs Burroughs, Erath, Fall, Graham, Grimes, Guinn, Herbert, Hyde, Lott, McCulloch, Martin, Maverick, Paschal, Pirkey, Potter, Quinan, Russell, Shepard, Taylor of Cass, Truitt, Walker and Wren—22.

NAYS.—Messrs Britton, Caldwell, Pedigo, Scarborough, Stockdale, Taylor of Fannin, Throckmorton, Whaley and Wigfall—9.

On motion Mr. Paschal, the bill for the relief of Mrs. Ann T. Hunt, widow of the late Gen. Memucan Hunt, was taken from the table read, and ordered to be engrossed by the following vote :

YEAS.—Messrs Britton, Caldwell, Fall, Hyde, McCulloch, Martin, Maverick, Paschal, Pedigo, Potter, Quinan, Scarborough, Shepard, Stockdale, Taylor of Fannin, Throckmorton and Wigfall—17.

NAYS.—Messrs Burroughs, Erath, Graham, Grimes, Guinn, Herbert, Lott, Pirkey, Russell, Taylor of Cass, Truitt, Walker, Whaley and Wren—14.

On motion of Mr. Graham, a House bill to incorporate the Houston Insurance Company, was taken up, read first and second times and referred to the committee on the Judiciary.

Mr. Herbert, by leave, introduced a Joint Resolution proposing an amendment to the Constitution, so as to allow the Legislature to confer Banking privileges ; read first and second times and on motion of Mr. Herbert, referred to a Select committee of three.

Messrs Herbert, Stockdale and Guinn, were appointed the committee.

On motion of Mr. Taylor of Fannin, the rule was suspended, and the bill for the relief of Mrs. Ann T. Hunt, &c., was taken up and read a third time.

Upon the final passage of the bill the yeas and nays stood as follows, viz :

YEAS.—Messrs Britton, Caldwell, Fall, Hyde, McCulloch, Maverick, Paschal, Pedigo, Potter, Quinan, Scarborough, Shepard,, Stockdale, Taylor of Fannin, Throckmorton and Wigfall—16.

NAYS.—Messrs Burroughs, Erath, Graham, Grimes, Guinn, Herbert, Lott, Martin, Pirkey, Russell, Taylor of Cass, Truitt, Walker, Whaley and Wren—15.

The President decided that the bill was rejected, a two-thirds vote being necessary to pass it.

Mr. Paschal appealed from the decision of the chair.

The Senate refused to sustain the decision of the chair, by the following vote :

YEAS.—Messrs Burroughs, Caldwell, Erath, Graham, Grimes, Guinn, Hyde, Lott, Pirkey, Russell, Taylor of Cass, Truitt, Walker, and Wren—14.

NAYS.—Messrs Britton, Fall, Herbert, McCulloch, Martin, Maverick, Paschal, Pedigo, Potter, Quinan, Scarborough, Shepard, Stockdale, Taylor of Fannin, Throckmorton and Wigfall—16.

Mr. Potter moved the reconsideration of the vote passing the bill—lost.

Mr. Quinan moved a reconsideration of the vote taken on Saturday last, which passed a bill for the relief of the Colorado Valley Railroad company—carried.

Mr. Stockdale offered the following, as an amendment: add to section 2, “and at least three hundred thousand dollars of the Capital Stock of said Company shall be subscribed by the 1st day of February, 1859. Adopted.

The bill was then passed by the following vote :

YEAS.—Messrs Britton, Burroughs, Caldwell, Erath, Fall, Grimes, Guinn, Herbert, Hyde, McCulloch, Maverick, Martin, Paschal, Pirkey, Potter, Quinan, Scarborough, Shepard, Stockdale, Throckmorton, Truitt and Walker—22.

NAYS.—None.

On motion of Mr. Stockdale, a bill to incorporate the Indianola Railroad company, with amendments from the House, was taken up, read, and the amendments concurred in by the Senate.

On motion of Mr. Britton, the Senate adjourned until to-morrow morning, at 10 o'clock.

TUESDAY, January 19th 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesday was read and adopted.

Mr. Stockdale presented the petition of sundry citizens of the town of Victoria, asking an amendment to the act incor-